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FINAL VERBATIM RECORD OF THE THREE HUNDRED AND SIXTY-EIGHTH MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 21 February 1968, at 10.30 a.m.

Chairman:

Mr. M. BLUSZTAJN

(Poland)

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PRESENT AT THE TABLE

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| <u>Brazil:</u> | Mr. C.A. de SOUZA e SILVA Mr. E. MOREIRA HOSANNAH Mr. O. MUNIZ OLIVA Mr. J. NOGUEIRA FILHO |
| <u>Bulgaria:</u> | Mr. K. CHRISTOV Mr. B. KONSTANTINOV |
| <u>Burma:</u> | U KYAW MIN |
| <u>Canada:</u> | Mr. E.L.M. BURNS Mr. A.G. CAMPBELL Mr. J.R. MORDEN Mr. A. BERNIER |
| <u>Czechoslovakia:</u> | Mr. P. WINKLER Mr. T. LAHODA Mr. V. VAJNAR |
| <u>Ethiopia:</u> | Mr. A. ZELLEKE Mr. B. ASSFAW |
| <u>India:</u> | Mr. M.A. HUSAIN Mr. N. KRISHNAN Mr. K.P. JAIN |
| <u>Italy:</u> | Mr. R. CARACCILO Mr. G.P. TOZZOLI Mr. E. FRANCO Mr. F. SORO |
| <u>Mexico:</u> | Mr. A. GOMEZ ROBLEDO Mr. A. CARRANCO AVILA |
| <u>Nigeria:</u> | Alhaji SULE KOLO Mr. B.O. TONWE |

Poland:

Mr. M. BLUSZTAJN
Mr. E. STANIEWSKI
Mr. S. DABROWA

Romania:

Mr. N. ECOBESCO
Mr. O. IONESCO
Mr. C. GEORGESCO
Mr. A. COROIANU

Sweden:

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Mr. R. BOMAN
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Union of Soviet Socialist
Republics:

Mr. A.A. ROSHCHIN
Mr. O.A. GRINEVSKY
Mr. I.M. PALENYKH

United Arab Republic:

Mr. H. KHALLAF
Mr. O. SIRRY
Mr. M. SHAKER

United Kingdom:

Mr. I.F. PORTER
Mr. R.A. RIDDELL

United States of America:

Mr. S. DePALMA
Mr. L.D. WEILER
Mr. C.G. BREAN
Mr. A.F. NEIDLE

Special Representative of the
Secretary-General:

Mr. D. PROTITCH

1. The CHAIRMAN (Poland): I declare open the 368th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Mr. BURNS (Canada): On several occasions my delegation has spoken of Canada's special interest in the provisions of the draft non-proliferation treaty (ENDC/192/Rev.1, 193/Rev.1) that would ensure that non-nuclear-weapon States would enjoy the potential benefits of any peaceful application of nuclear explosions. We attach importance to that feature of the draft treaty, in part because it helps to bring about an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear States.

3. Members of the Committee may remember that at our 332nd meeting I outlined what in our view would be the essential elements of a separate but parallel agreement on the provision of nuclear explosive services. However, we have made it clear also on several occasions that we support the prohibitive provision in articles I and II; and the fundamental reason for this is that we believe that military and civil nuclear explosive technologies are indistinguishable. The ability to produce any kind of nuclear explosive device being the same as the ability to produce a nuclear weapon, it appears to Canada to be supremely illogical for any countries to take the position that they are against the proliferation of nuclear weapons but favour the proliferation of nuclear explosive devices carrying the label "peaceful".

4. However, in my statement today I wish to discuss the possible costs of developing nuclear explosive devices, in relation to the benefits that may accrue from their employment. In doing so I shall argue for the advantages which non-nuclear-weapon countries may derive from the provisions of article V, as an offset to the prohibitions in articles I and II of the draft non-proliferation treaty.

5. An important reason for our interest is that there is at least one very substantial natural resource in Canada, in a remote and unpopulated region, which may be economically exploitable through the use of nuclear explosives. It may be appropriate for me to remind the Committee that for twenty years Canada would have been able to embark on its own nuclear-weapon programme. It has, however, never appeared to the Canadian Government that such a programme would be likely to increase our national security. Nevertheless, having the capability and a possibly exploitable resource, it is natural that we have made a general study of the feasibility of applying nuclear explosions to resource extraction and have kept abreast of the developments. Among other factors, we have considered the cost of nuclear as compared with conventional methods.

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6. Since a nuclear explosive device for peaceful purposes does not differ essentially from a nuclear weapon, the cost of developing such a device would not differ materially from the cost of developing a nuclear weapon. Therefore we can take as a rough guide, as was suggested by the representative of the Soviet Union at our meeting of 16 February (ENDC/PV.366, para.26), the figures set out in the report of the Secretary-General on the effects of the possible use of nuclear weapons (A/6858). Annex IV to the report goes into some detail with respect to the calculation of the costs of the various aspects of a programme and is worth studying in this context. Also relevant are the figures quoted by the United States representative at our meeting of 25 January, regarding Project Gasbuggy (ENDC/PV.359, para.35). My understanding of the \$5 million figure he referred to as the cost of that experiment is that it did not include any share of capital or development costs.

7. I should like to draw attention to the chapter on economic implications in the Secretary-General's report and to quote a few passages from it which deal with matters other than direct financial considerations.

Paragraph 44 states:

"To understand the economic implications of embarking on the development of a nuclear armoury it is necessary to become clear about ... the kind of resources such a step demands. The evaluation needs to be in terms not only of the physical and financial resources absorbed but of the opportunities foregone through devoting these resources to destructive weapons."

Paragraph 45 states:

"Any given size of effort will have economic implications which differ according to the nuclear and industrial base from which the programme starts."

Paragraph 46 states:

"The magnitude and timing of any programme depends on the base of the country's scientific, technical and industrial capability."

Paragraph 47 states:

"Scientific and technical capability determines the country's ability to undertake the problems of:

- (a) Production of fissile and other material to meet the necessary strict specifications;
- (b) Warhead assembly and testing.

.....

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"It involves personnel represented by physicists, chemists, metallurgists, mathematicians, engineers, skilled machine tool operators, electricians, pipefitters, welders, sheet-metal workers, furnace and chemical plant operators, instrument makers and fabricators, who are essential for manufacture and assembly of components to the scientific specifications."

Paragraph 48 states:

"Industrial capability is measured by the country's established experience in fields of advanced technology, such as nuclear energy, aviation, electronics and space technology."

Paragraph 49 states:

"In arriving at the cost figures presented below," -- that is, the figures worked out in detail in Annex IV, to which I have referred -- "countries possessing the above capabilities have been used as a basis, and it is therefore to be expected that costs would be considerably higher for countries which are less developed and have to devote major efforts to establishing these basic prerequisites. It should also be remembered that whereas the development of nuclear armament by an industrially developed country may mean diverting resources from work that improves a standard of life already rather high, the same development on the part of an industrially developing country may have to be done at the expense of the basic economic needs of a substantial fraction of the population."

Finally, paragraph 52 states:

"The indigenous development of a nuclear weapon capability is thus seen to demand not only major financial resources but very highly specialized human resources that are liable to be even more significant."

8. Throughout the passages I have quoted it would be quite appropriate to insert after each reference to nuclear weapons the words "or other nuclear explosive devices" as in articles I and II of the draft treaty.

9. A number of countries are in a position, in terms of their industrial and scientific bases, their progress in nuclear science and engineering and their financial resources, to embark upon the development of nuclear explosive devices. Some of them may also, like Canada, have a potentially exploitable resource suitably

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located. It is, however, far from clear that there are many, or indeed any, resource deposits where it would be economically sound to spend money and manpower on the scale necessary over a period of years to develop the art and produce the nuclear explosive devices.

10. Until it has been proved that nuclear explosions are more efficient, in terms of unit costs, for releasing resources than are conventional methods, we do not believe that our Government -- or any other government concerned with proper use of economic resources -- would want to gamble human and financial assets on the required scale. We and other countries not possessing nuclear weapons have to bear in mind that the whole cost of developing peaceful nuclear explosive devices would have to be justified by and chargeable to their few economic applications. We would not be in the position of the nuclear Powers, which can assure their taxpayers that their nuclear explosive devices for peaceful purposes are by-products or even bonuses of their weapon programmes and which in costing can leave out capital and development costs.

11. In this narrow field of nuclear explosive devices for peaceful purposes, the States not possessing nuclear weapons are being asked for a renunciation. However, it is clear that we are not being asked to deny ourselves very much. The Canadian delegation knows of no serious suggestions for the application of peaceful explosions except in the fields of resource extraction, resource storage and large-scale excavations. As a country which has prospects of exploiting nuclear explosives for resource extraction if efficient processes can be developed, it seems to us at present that economically-sound applications are likely to be possible only when research and development costs are not counted.

12. In the circumstances it would appear that the non-nuclear-weapon States which sign the treaty will have a good bargain in article V: not only are we assured explosive services without any charge for research and development, but also we shall be able to secure those services as soon as they are available to the nuclear Powers, and we shall not have to spend the next five or ten years and all the money and human talent I have referred to in developing our own national devices.

13. Having discussed the economic aspects of the provisions of article V, I should like to revert to a matter I touched upon at our meeting of 23 January when commenting on that article. At that time I raised the question of whether nuclear explosive

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services arranged bilaterally would be subject to the same criteria or controls as international arrangements (ENDC/PV.358, para. 62). Since then we have heard the views on that subject given by the delegation of Sweden at our 364th meeting and the delegation of the United Arab Republic at our 367th meeting. They proposed a modification of article V as it exists in the draft text of 18 January.

14. The Canadian delegation has discussed this question with several of our colleagues. We have come to the conclusion that not all the States represented here would consider the entire ruling out of bilateral arrangements for peaceful nuclear explosions to be desirable. At the same time, we feel there is still a necessity to close a loop-hole which might permit the further spread of nuclear-weapon technology under the cover of co-operation in peaceful nuclear explosions. We hope that the co-Chairmen of this Conference will soon inform us of their conclusions regarding this point. The Canadian viewpoint is that all nuclear explosive services -- those provided bilaterally as well as those internationally arranged -- which are made available under the terms of article V to States not possessing nuclear weapons should be subject to appropriate international observation.

15. Mr. DePALMA (United States of America): In order to expedite our work so that we shall be able to submit a complete draft treaty to the General Assembly with our report by 15 March I should like today to comment on several recent statements. I refer primarily to the statement made at our 362nd meeting by the representative of Romania and to portions of the statement of the representative of Sweden made at our 363rd meeting.

16. As I listened to the statement of the representative of Romania, I was struck by the forcefulness of his questions. I am certain that Mr. Ecobesco would not appreciate answers which were any less direct.

17. He asked first of all why the text of the draft treaty did not contain a provision on security assurances and whether the nuclear Powers were disposed to undertake never to use or threaten to use nuclear weapons against States not possessing them (ENDC/PV.362, para. 4). The text does not contain a provision on security assurances, because, as we have said many times before, the question is too difficult and complicated to be reduced to a treaty provision. Not only do the

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security interests of allied and non-aligned nations differ, but the interests of various nations within each group also differ. Any attempt, therefore, to extend a guarantee by a treaty provision covering such a variety of interests and applying to unforeseen future circumstances would simply not be credible.

18. That is why it has been necessary to examine this matter in the context of action relating to the United Nations, outside the treaty itself but in close conjunction with it. It is the United Nations which is responsible for the maintenance of international peace and security, and it is under its Charter that each of our countries has assumed a solemn obligation to co-operate in the maintenance of peace. That matter is being discussed by the co-Chairmen. I hope that the co-Chairmen will soon be in a position to inform the Committee of the results of their talks. Until then, I believe members of the Committee will understand why I should prefer to reserve further comment on the substance of this matter.

19. In his second question the representative of Romania asked whether the nuclear Powers were disposed to put the non-proliferation treaty within the framework of a series of measures leading to the cessation of the production of nuclear weapons, to the conclusion of a comprehensive test ban treaty, and to the reduction and elimination of nuclear stockpiles and delivery vehicles. He went on to ask how one could justify the absence of such a legal obligation.

20. I believe that the United States delegation, as well as a number of others, has already made it abundantly clear why it has not been possible to formulate provisions setting forth a legal obligation to undertake such a series of measures. The representative of Sweden stated the general problem very well at our meeting of 8 February when she said:

"As has been stated, it would hardly be feasible in legal terms to enter into obligations to arrive at agreements. Further, to enumerate some specific measures might be counterproductive, as agreements on certain other scores may come to present opportunities for earlier implementation." (ENDC/PV.363, para. 11)

We have, however, been able to agree to the inclusion of a legal obligation to pursue negotiations in good faith on effective measures regarding the cessation of the nuclear arms race, as now provided in article VI. Furthermore, we believe that the treaty itself will provide a major impetus for progress on such measures.

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21. As part of his second question, the representative of Romania also asked why periodic review conferences were not included in the draft text. I can assure him that the matter remains under study.

22. The representative of Romania then asked why article X, paragraph 1, still required a statement of the reasons for withdrawal to be given in a notice to the Security Council. He asked what was the legal basis for that requirement, and whether it was the intention for the body to which the notice was submitted to issue a judgement on it.

23. We believe that withdrawal would be a step of such vital importance that other parties have a strong and legitimate interest in knowing why such action is being taken. It would also be important to have a situation which could affect international peace and security discussed in the Security Council. Each party will retain its sovereign right to make its own decision on withdrawal and to frame its statement of reasons in its own way. We do not understand why any question is raised about the legal basis for such a requirement. I might add, moreover, that, since it cannot be presumed that any party would wish to violate the treaty and withdraw for reasons other than those which could be justified under this article, there should be no difficulty in meeting this requirement, assuming that a decision has been made to withdraw.

24. In this connexion we do not see any difficulty arising from the fact, pointed out by the representative of Brazil at our meeting of 8 February, that there could be members of the Security Council who were not parties to the treaty (ENDC/PV.363, para. 58). The Security Council is not limited under the Charter to considering matters in which all its members are directly involved. One would assume that any non-parties to the treaty would observe some discretion in commenting on the treaty itself; but they have the same right as other members of the Security Council to express their views concerning matters affecting international peace and security.

25. As his fourth question, the representative of Romania asked what was the political, legal and ethical concept upon which rested the position of the authors on the subject of control. He wondered how we could reconcile with the concept of the sovereign equality of all States the fact that the draft treaty advocates the application of control solely in connexion with the obligations assumed by non-nuclear States.

26. In questioning the political, legal and even ethical concept underlying the present safeguards article, the representative of Romania seems to have overlooked

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the logic on which it is based. This is simply that, on the one hand, it would not be relevant to the purposes of this treaty to purport to safeguard nuclear materials against diversion to weapons on the territories of the nuclear-weapon parties, so long as they continue to produce such weapons. On the other hand, it is extremely important to provide the assurance which these safeguards provisions will bring, above all to the non-nuclear-weapon States, that their non-nuclear neighbours and rivals are in fact abiding by the terms of the treaty. That, in our view, is political, legal and ethical justification enough for the voluntary acceptance of such a provision by the non-nuclear countries. In addition to this "assurance" aspect of the safeguards article, there is, as I pointed out at an earlier meeting (ENDC/PV.357, para. 57), the positive benefit of facilitating co-operation in the peaceful uses of nuclear energy.

27. Despite these considerations, the United States has for several years been submitting four nuclear reactors to International Atomic Energy Agency (IAEA) safeguards. Furthermore, President Johnson offered on 2 December last to accept IAEA safeguards -- when such safeguards are applied under this treaty -- on all nuclear activities in the United States, excluding only those having direct national security significance (ENDC/206, p.3). This offer clearly demonstrates the sincerity of our conviction that acceptance of safeguards by any party would impose no industrial or economic burden on peaceful nuclear activities.

28. In her statement at our meeting of 8 February the representative of Sweden expressed appreciation for this offer but she wondered how complete the coverage would be under a voluntary pledge (ENDC/PV.363, para. 21). The answer is that the United States has offered to place under IAEA safeguards a greater range of peaceful nuclear activities, encompassing the most advanced technology, than would be placed under safeguards by any other party. Under the United States offer, IAEA will have the opportunity to apply its safeguards to nuclear materials in a broad range of activities, both governmental and private. The offer would be fulfilled by the negotiation of a formal implementing agreement between IAEA and the United States Government.

29. The agreement would identify those activities in which IAEA could apply its safeguards and would be expected to include, for example, the nuclear fuel in all utility-owned power reactors in the United States and the fabrication and chemical reprocessing of the nuclear fuel for these reactors. To date, more than eighty such

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reactors, with a total electrical generating capacity in excess of 56,000 megawatts, are already in operation, under construction or on order, or plans for their construction have been announced. The list would also be expected to include the nuclear fuel in test, research and university reactors and critical assembly facilities, of which there are currently more than 100 in the United States, as well as the fabrication and chemical reprocessing of their fuel. This offer, together with the similar offer made by the United Kingdom on 4 December (ENDC/207), should allay any sense of discrimination on the question of safeguards.

30. Mr. Ecobesco also asked what guarantee there was that forces of non-nuclear-weapon States on whose territories there were nuclear weapons and which participated in joint training with military forces of nuclear-weapon States would not have access to, possession of or control of these weapons. The answer is to be found in the provisions of article I which prohibit any transfer to any recipient whatsoever of nuclear weapons or other nuclear explosive devices, or control over such weapons or devices, directly or indirectly. This article and the counterpart article II thus prohibit those activities which constitute nuclear proliferation. The treaty is not designed to deal with defence relationships or arrangements within alliances which do not involve nuclear proliferation. Any attempt to do so would take us back into the morass of theoretical argumentation over amorphous issues which too long frustrated our negotiations.

31. In his next question, the representative of Romania asked for the exact meaning of the phrase "safeguards system" of IAEA, appearing in paragraph 1 of article III. He asked: "Does it mean the present system, or a system which will be continually amplified?" (ENDC/PV.362, para.9), and, if so, why. Closely related was his seventh question, in which he asked about the relationship between the "safeguards system" of the Agency and the "safeguards required by this Article."

32. The safeguards to be applied under the non-proliferation treaty are those to be specified in agreements negotiated and concluded in accordance with the Agency's Statute and safeguards system. As is the case with safeguards agreements presently in effect with IAEA, we expect that safeguards agreements pursuant to the non-proliferation treaty will incorporate by reference the

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relevant portions of the Agency's safeguards system documents. Should improvements in the safeguards system be made in the future, these could only be made in accordance with the Agency's established statutory procedures, the elaboration of which would involve the approval of the Agency's members.

33. We should note that the IAEA safeguards system document itself foresees the possibility of improvement. In its eighth paragraph it states:

"The principles and procedures set forth in this document shall be subject to periodic review in the light of the further experience gained by the Agency as well as of technological developments."

(INFCIRC/66/Rev.1)

In other words, the safeguards system established by IAEA is subject to possible changes which could not only strengthen the effectiveness of the safeguards but which could also apply advanced technology to simplify existing procedures. It is these technological developments which the fifth preambular paragraph of the draft treaty seeks to encourage.

34. To illustrate the improvements made in 1966, IAEA then adopted procedures for the safeguarding of chemical reprocessing plants. At its meeting which is currently in progress in Vienna, the IAEA Board of Governors is discussing the addition of specific procedures for safeguarding nuclear material in fuel fabrication facilities. Specific safeguards procedures will soon be available for the entire fuel cycle. But any such changes made after the negotiation of a safeguards agreement could be applied by IAEA only with the consent of the parties to the safeguards agreement, a consent to be given either through some general procedure agreed in advance or through subsequent modifications made in the agreements with the Agency.

35. In his next question, the representative of Romania asked about the meaning of the formula "all peaceful nuclear activities". He asked:

"... how are we to understand the provision that the safeguards required 'by this Article' shall be applied 'on all source or special fissionable material in all peaceful nuclear activities'?" (ENDC/PV.362, para.11)

The use of the phrase "all peaceful nuclear activities" is intended to cover all places and all activities where source or special fissionable material employed for peaceful purposes is located. It is such material which is the direct object of the safeguards.

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36. The next question put by the representative of Romania dealt with the purpose envisaged in applying the safeguards to all "source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility". He also asked what was understood by the implementation of safeguards with respect to source or special fissionable material "outside any such facility". The second sentence of article III is derived directly from the general safeguards procedures specified in paragraph 29 of the IAEA safeguards system document. This sentence specifies the scope of treaty safeguards procedures as applying to "source or special fissionable material" regardless of its mode of employ or of its location.

37. With regard to the meaning of the words "in any principal nuclear facility", we should note that paragraph 78 of the Agency's safeguards system document of 1965, as revised in 1966, defines such a facility as --

"... a reactor, a plant for processing nuclear material irradiated in a reactor, a plant for separating the isotopes of a nuclear material, a plant for processing or fabricating nuclear material (excepting a mine or ore-processing plant) or a facility or plant of such other type as may be designated by the Board from time to time, including associated storage facilities." (INFCIRC/66/Rev.1)

Examples of the "associated storage facilities" would be the rooms in a nuclear reactor complex used for storing fuel to be inserted in the reactor and the pool of water used for storage of the highly radioactive fuel which has come out of the reactor. The words "or is outside any such facility", about which Mr. Ecobesco also asked (ENDC/PV.362, para.12), come directly from paragraph 29 of the safeguards document. They make it clear that the treaty safeguards procedures apply to source or special fissionable material in all locations.

38. In his tenth question Mr. Ecobesco asked why the application of controls was advocated "on all source or special fissionable material in all peaceful nuclear activities" if the "exclusive purpose" of the implementation of IAEA safeguards was to prevent the diversion of nuclear energy from peaceful uses to permit the manufacture of nuclear weapons or other nuclear explosive devices, as provided in paragraph 1 of article III.

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39. To accomplish the exclusive purpose stated in the first sentence of article III, treaty safeguards must be applied on all source or special fissionable material in the peaceful nuclear activities of non-nuclear-weapon parties. Of course, this does not mean that all source or special fissionable material would be subject to the same degree of inspection. For example, paragraph 58 of the Agency's safeguards system document -- regarding frequency of inspection for nuclear material in a reactor -- states that the actual frequency of inspection shall take account of --

- "(a) Whether the State possesses irradiated-fuel reprocessing facilities;
- (b) The nature of the reactor; and
- (c) The nature and amount of the nuclear material produced or used in the reactor." (INFCIRC/66/Rev.1)

Paragraph 47, relating to general procedures for inspection, states:

"The number, duration and intensity of inspections actually carried out shall be kept to the minimum consistent with the effective implementation of safeguards, and if the Agency considers that the authorized inspections are not all required, fewer shall be carried out." (ibid.)

40. It should also be noted that the IAEA safeguards document makes provision in paragraphs 21 through 23 for exempting from safeguards any quantities of source or special fissionable materials which are too small to be potentially significant from the standpoint of nuclear weapon manufacture.

41. I come now to the next question of the representative of Romania. He said:

"... seeing that under paragraph 1 of article III control will be exercised over all peaceful nuclear activities of non-nuclear States, how would it be possible to carry out the provisions of paragraph 3, which stipulates that the economic and technological development of the Parties to the treaty must not be hampered? How could such control be reconciled with the principle of non-interference in the internal affairs of States?"

(ENDC/PV.362, para.14)

42. The United States is convinced that treaty safeguards will not impose industrial, economic or any other burdens on treaty signatories and hence will not interfere with the internal affairs of the parties. We believe this conviction was clearly demonstrated by President Johnson's offer of 2 December 1967.

43. We see no contradiction between paragraphs 1 and 3 of article III. In fact, they are to some extent mutually reinforcing. As Mr. Fisher said when presenting

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the new treaty draft on 18 January, one of the two major and beneficial purposes he saw served by the new safeguards article was that --

"... the extensive application of treaty safeguards will reduce concern about providing source and special fissionable material, specialized equipment and information to non-nuclear-weapon States. It will thus provide a significant impetus for accelerated co-operation among all parties in the development of peaceful nuclear research and industry."

(ENDC/PV.357, para.57)

States will become parties to the treaty according to their own decisions taken in the light of their evaluation of their national interests. -- Surely we have reached the point where it is no longer necessary to raise the question of interference in internal affairs in connexion with a voluntary action by individual sovereign governments to enable the international community to avert a common danger.

44. In his last question, the representative of Romania asked why paragraph 2 of the same article, dealing with nuclear material and equipment, applied only to deliveries to non-nuclear States, and why this paragraph should not apply also to exports to nuclear countries. This question relates to the issue of the applicability of treaty safeguards to nuclear-weapon parties, to which I referred in connexion with his fourth question. While there is no treaty requirement for safeguards on exports to nuclear-weapon countries, parties are in no way precluded from requiring such safeguards as a condition for exports to nuclear-weapon States, if they wish to do so.

45. I should like now to deal with another question regarding article III raised by the representative of Sweden in her statement at our meeting of 8 February

(ENDC/PV.363, para.26). But first I should like to note with appreciation that Mrs. Myrdal expressed the view that the article III we are discussing will, in practice and taking into account the safeguards offers of the United States and the United Kingdom, come, as she put it, "rather close" (ENDC/PV.363, para.25) to what was intended by the safeguards proposal suggested by the Swedish delegation in August 1967 (ENDC/195). Again, I should like to state the view of the United States delegation that the safeguards article before us is not only realistic but also effective.

46. In her statement Mrs. Myrdal suggested that the time-table set forth in paragraph 4, taken together with the provisions for entry into force of the treaty contained in article IX, paragraph 3, raised possible problems. She said it was

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obvious that a considerable time would pass before the safeguards system would become universally applicable. Is there not a definite risk, she asked, that during an interval, which may extend to several years, some countries may be subject to control and others not (ENDC/PV.363, para.26)?

47. Furthermore, she added, there seems to be a hiatus between paragraphs 2 and 4 in article III (ibid., para.27). She said that according to paragraph 2 no source or special fissionable material or special equipment may be provided to non-nuclear-weapon States unless IAEA safeguards are applied. Thus, she concluded, for parts of or for the whole interim period, a general standstill in the transfers of such material must be feared.

48. We expect that treaty safeguards will begin to apply at different times within the over-all period specified by article III, depending on when the parties conclude the prescribed agreements with the Agency. However, with respect to any possible "general standstill in the transfers" of nuclear material as a result of the provisions of paragraphs 2 and 4, it is our interpretation that paragraph 2 does not prohibit such transfers of nuclear material during the transition period. Specifically, paragraph 2 of article III contains an undertaking not to provide materials or equipment "unless the source or special fissionable material shall be subject to the safeguards required by this Article." But the "safeguards required by this Article" are safeguards to take effect not later than at the end of the specified period. They are not safeguards required immediately upon entry into force of the treaty. Accordingly, paragraph 2 of article III does not contain an obligation to interrupt transfers during the transition period.

49. The United States expects to continue during the transition period its present policy of supplying materials and equipment under appropriate safeguards. We hope other States will follow a similar policy of requiring appropriate safeguards during this transition period. Of course, any such safeguards will, as necessary, later have to be brought into conformity with the safeguards required by the treaty when the party in question concludes its agreement with IAEA.

50. The representative of Sweden also commented (ibid., para.29) on the fact that the formula for entry into force in article IX does not take into account the special importance some prospective parties may attach to more or less simultaneous adherence

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by other States. She wondered (ibid., para.30) whether the problem could be taken care of by allowing a State to make a reservation in its instrument of ratification to the effect that the treaty shall not enter into force or remain in force for its part until and unless it enters into force and remains in force for another State or States specified in the same document. She felt this might increase the speed of ratification by a number of parties of special importance to the treaty.

51. We have recognized this problem in our approach to the treaty. Our view is that the potential parties sharing this concern have every right to time the deposit of their instruments of ratification or accession so as to take into account the actions of other States. This need not, therefore, delay action by governments in completing the process of ratifying the treaty in accordance with their constitutional procedures. Once these national decisions have been taken it should not be difficult to arrange through diplomatic channels for parallel deposits of the instruments of ratification by the governments concerned.

52. As for the question of continued adherence in the light of the continuing adherence of other States, we believe that the withdrawal clause will adequately protect the vital security interests of all parties in this regard.

53. In short, we do not see any necessity for attaching a reservation of the kind suggested -- a procedure which, particularly if applied to other areas, could seriously complicate the treaty's entry into force and might even lessen its effectiveness.

54. I realize I have made a lengthy statement today. However, I did wish to clarify certain questions that have been raised, as part of my delegation's effort to facilitate the work of this Committee, and thus to enable us to fulfil our task of providing a complete treaty text for consideration by the General Assembly.

55. The CHAIRMAN (Poland): I wish to assure the United States representative that he is excused for his lengthy statement. I think we are all indebted to him for his enlightening and interesting lecture.

56. Mr. de SOUZA e SILVA (Brazil): We have listened with great attention to the statement made today by the Canadian representative. At this stage I wish only to reserve my delegation's right to return to the subject dealt with by the Canadian representative if we consider it necessary to do so.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 368th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Mieczyslaw Blusztajn, representative of Poland.

"Statements were made by the representatives of Canada, the United States and Brazil.

"The next meeting of the Conference will be held on Thursday, 22 February 1968, at 10.30 a.m."

The meeting rose at 11.35 a.m.

